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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,741	08/17/2001	Lee E. Cannon	4657US(300-015)	4593

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EXAMINER
MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
3713	10

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TB

Office Action Summary	Application No.	Applicant(s)	
	09/932,741	CANNON, LEE E.	
	Examiner	Art Unit	
	Robert J Mendoza	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38-50 and 64-105* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38, 39, 41-49,51-95 and 97-105* is/are rejected.

7)☒ Claim(s) *50 and 96* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 38, 39, 41-49, 51-95, and 97-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (USPN 6,312,332) in view of Markowicz et al. (USPN 5,938,200).

Walker discloses a method of conducting an individual game providing at least one gaming machine adapted to be operably coupled with at least one display, at least one gaming machine having a random number generator configures for producing a plurality of outcomes including at least one specific outcome by disclosing in col. 5:43-54, further connected to the processor is a video display, for example a cathode ray tube, LCD, or LED. The video display is primarily for displaying game results. A random number generator is connected to the processor for generating a random or a pseudo-random number to determine an outcome and a payout. Walker discloses at least one gaming machine comprises a plurality of gaming machines, and wherein a designator comprises a unique identifier for each gaming machine of the plurality of gaming machines by disclosing in col. 7:7-10, the basic operation of the video poker machine, a player optionally enters his personal, encoded playing card into tracker, whereby he is identified through communications channel to the slot server. Walker discloses apportioning and distributing at least one payout among gaming machines of the plurality of gaming

machines according to a number of each of the unique identifiers by disclosing in col. 6:45-52, the bonus payout is the same for each team player. In alternate embodiments of the invention, the bonus payouts may vary amongst the players, for example favoring one or more players who contribute the most to achieving the bonus conditions with a higher payout. Walker discloses a gaming machine for playing draw poker and playing card indicia including the royal flush by illustrating all these features in fig. 5. Walker discloses associating differing award values to differing outcomes by disclosing in col. 6:22-31, bonus conditions indicate that when two royal flushes are obtained in total by the team players within two minutes of the initiation of a bonus time period, a bonus of five hundred coins are paid to the player of the video poker machine. When three four-of-a-kinds are obtained in total by the team players within thirty seconds, a bonus of twenty five coins is paid to the player of the video poker machine. Walker discloses each gaming machine of the plurality of gaming machines is configured for playing a game of chance selected from the group consisting of reel clot machine games, poker games, blackjack games, keno games, lotto games, and bingo games by disclosing in col. 4:36-42, slot machines include, but are not limited to: video poker machines, reel symbol machines, video blackjack machines, lottery machines, bingo machines, and keno machines. Walker discloses a bank of gaming machines comprising at least five gaming machines by disclosing in col. 4:45-47, the terms "group" and "team" are used interchangeably to identify a *plurality* of slot machines linked for cooperative play. Regarding claim 63, Walker discloses at least one display device is operably coupled to each gaming machine of the plurality of gaming machines via at least one of the Internet, a Wide Area Network, or a Local Area Network by disclosing in col. 4:52-54, the communication channel

comprises an appropriate data communications system, for example a local or wide area network (LAN and WAN, respectively). However, Walker does not conspicuously configure the display of the video gaming machines to illustrate rows of cells that are defined by rungs and designators, which visibly show the progress of the game. Instead, Walker, as shown in fig. 5, utilizes a different format of presenting the advancement of the game but discloses the functions and features as the claimed invention. Marckowicz, in an analogous game of chance system, teaches, in fig. 2 and col. 4:8-25, to play the game of chance each game participant progresses one *space* at a time along the *course* from strat location toward the termination point. A game participant progresses one space when one of its corresponding drawing elements is randomly selected from the total collection of available drawing elements. Each game participant must progress a sufficient quantity of spaces to reach the termination point. As discussed above and illustrated in fig. 2, Markowicz teaches having cells, rungs and designators responsive to at least one specific outcome resulting from at least one gaming machine. Therefore, it would be obvious to one of ordinary skill in the art to implement Markowicz's display format into the disclosed invention of Walker. One would be motivated to combine the disclosures of Markowicz and Walker in order to facilitate illiterate game players and foreign game players in readily discerning the progress of the game.

Response to Arguments

Applicant's arguments filed 04/22/03 have been fully considered but they are not persuasive. The Applicant argues that **the Office Action does not set forth a motivation to combine Walker with Markowicz.** The Examiner respectfully disagress. It is well known for graphical portrayals of information to be more rapidly discernible than text

information. Walker discloses the system and all the aspects of the claimed invention. However, Walker lacks in disclosing the graphical representation of the development of the gaming session as in the claimed invention. Instead, Walker utilizes text to show the advancement of the game. Although Markowicz discloses a competition among individual players, Markowicz is being utilized to teach a graphical representation of the progress of the gaming session (FIG. 2). Therefore, there is motivation for combining teaching of Markowicz with the disclosure of Walker.

The Applicant argues that **Walker does not disclose the elements in claims 41 and 42**. The Examiner respectfully disagrees. Walker discloses, "the bonus payouts may vary amongst the players, for example favoring one or more players who contribute the most to achieving the bonus conditions with a higher payout". Walker is clearly disclosing allocating higher payouts to gaming machines that have contributed more winning combinations (i.e. unique identifiers) to achieve the bonus payout, and allocating lower payouts to those gaming machines who have contributed fewer winning combinations. Therefore, Walker does disclose, "apportioning and distributing at least one payout among gaming machines...according to a number of each of the unique identifiers".

Allowable Subject Matter

Claims 50 and 96 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached at (703) 308-2126.

RM
July 11, 2003

Paul T. Sewell
Supervisory Patent Examiner
Group 3700